

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Capital Investment Funding LLC,)
Cosimo LLC,) Civil Action No. 6:11-cv-03321-JMC
Plaintiffs,)
v.)
LOP Capital LLC, Strategic Lending)
Solutions, LLC, Michael Loprieno,)
Brian Knight, Dennis Hackney, and)
Michael Parish,)
Defendants.)

)

OPINION AND ORDER

This matter is before the court on the Magistrate Judge’s Report and Recommendation (“Report”) [Doc. 49] filed on August 24, 2012. The Magistrate Judge recommended that Plaintiffs’ Motion to Consolidate [Doc. 6] the instant case with another case pending in this court, *LOP Capital, LLC and Strategic Lending Solutions, LLC v. Cosimo, LLC, Capital Investment Funding, LLC, and CIF Property Holdings, LLC*, Civil Action No. 7:11-cv-03312-JMC-KFM (“Related Action”), be denied as moot if the court accepted the recommendation to remand the Related Action.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with

instructions. *See* 28 U.S.C. § 636(b)(1). In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

No party filed objections to the Report. Therefore, after careful review of the record, the court **ACCEPTS** the Report. [Doc. 49]. Because the court remanded the Related Action back to state court, Plaintiffs' Motion to Consolidate [Doc. 6] is **DISMISSED AS MOOT**.

IT IS SO ORDERED.



United States District Judge

Greenville, South Carolina
June 27, 2012